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C O N F I D E N T I A L SANTIAGO 001092

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E.O. 12958: DECL: 05/21/2016
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SUBJECT: CHILE: TRIPARTATE DEMARCHE ON DECLARATION ON THE
RIGHTS OF INDIGENOUS PEOPLES

REF: STATE 78740

Classified By: Deputy Chief of Mission Emi Yamauchi for reasons 1.4(b)
and (d).

¶1. (C) Summary: On May 18, Deputy Chief of Mission and the Ambassadors of New Zealand and Australia delivered reftel demarche and background papers to Amira Esquivel, Director of Human Rights for the Ministry of Foreign Affairs. Esquivel said the GOC shared our concerns about approving such a global document without consensus. Chile is also concerned about provisions for self-determination and property rights, but given domestic and international pressure regarding indigenous rights in Chile it will be difficult for the GOC to oppose the DRIP should it come to a vote in the UN General Assembly. While commenting that GRULAC consensus was not as firm as reported, Esquivel said Mexico, Guatemala and Peru's support for DRIP complicated Chile's position. Esquivel said the best outcome would be to extend the working group for an additional year to allow further discussion of the final text of the Declaration on the Rights of Indigenous People (DRIP).
End Summary.

¶2. (C) Ambassador Fyfe led the demarche. Esquivel, who was accompanied by the MFA's specialist on indigenous issues, Virginia Barahona, said Chile shared concerns about the DRIP text and how it had been disseminated, but noted Chile faced considerable international and domestic pressure on indigenous rights issues. (Note: International media and human rights groups are following the story of four indigenous activists who are on a hunger strike protesting their convictions under an anti-terrorist statute. End note.) Further, last year's Chilean presidential candidate Aucan Huilcaman, an indigenous Mapuche leader, had expressed support for the text as it stands.

¶3. (C) Esquivel noted the agenda for the June meeting of the Human Rights Council (HRC) had not been set, and hoped the text would not come to a vote there. Barahona, who attended the GRULAC meeting at the 11th session of the Working Group on the DRIP, said while there had been no consensus, Guatemala, supported by Mexico and Peru, had pressed for introducing the text in Geneva. She added that the Working Group Chairman had not been effective in building consensus during the group's final meeting, and it was not clear the DRIP would obtain a majority in the HRC. Esquivel said the GOC had not issued instructions to its delegation in Geneva, since Chile was not on the HRC and therefore its ability to influence the outcome was limited. Should the declaration come to a vote in the General Assembly, Esquivel said it

would be difficult for Chile to oppose it.

¶4. (C) Esquivel said some countries with larger indigenous populations were not taking seriously concerns about the language on autonomy, reparations and property rights. She supported further attempts to reach consensus rather than allow a vote on a divisive text. As the meeting closed, she suggested a meeting with the director of the National Council on Indigenous Development (CONADI), who would also influence the GOC's final decision about whether to support the DRIP.

¶5. (C) Comment: As demonstrated by Esquivel's closing suggestion, the MFA Human Rights Department's influence is sometimes limited. In the past, its recommendations occasionally have been trumped by decisions taken in the Multilateral Affairs Department. At Post's urging, New Zealand's mission in Chile had initially requested a meeting with Deputy Foreign Minister Alberto Van Klaveren to discuss the issue. They were told he would not be available until the first week in June. With reftel demarche delivered, New Zealand will continue to pursue a meeting with Van Klaveren as well as with the Director of CONADI. Post will follow up on these approaches as joint efforts as per reftel.
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